

Message Text

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TO AMEMBASSY STOCKHOLM

INFO USMISSION GENEVA

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TAGS: ICRC, PFOR, MILI, PINS, SW

SUBJECT: 22ND INTERNATIONAL RED CROSS CONFERENCE, TEHRAN

REF: STATE 200309

FOLLOWING IS TEXT OF QUESTION AND ANSWER FROM PRINTED
RECORD OF SECRETARY'S CONFIRMATION HEARINGS BEFORE SFRC.
(NOTE: QUESTION AND ANSWER WERE PROVIDED FOR THE RECORD,
NOT IN ACTUAL TESTIMONY.) BEGIN EXT:

QUESTION: IT IS ANTICIPATED THAT A DIPLOMATIC CONFERENCE
WILL BE CONVENED NEXT YEAR BY THE INTERNATIONAL COMMITTEE
OF THE RED CROSS TO REVISE AND UPDATE THE GENEVA
CONVENTIONS OF 1949--INCLUDING THOSE RELATING TO WEAPONS
OF WAR, NON-INTERNATIONAL ARMED CONFLICT, AND THE PROTECTION
OF CIVILIAN POPULATIONS.

GIVEN THE DIFFICULT AND BITTER EXPERIENCE OF THE UNITED
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STATES IN INDOCHINA, AND THE MASSIVE DESTRUCTION CAUSED

BY THE NEW TECHNOLOGY OF WAR, CAN DR. KISSINGER GENERALLY ELABORATE THE ADMINISTRATION'S POSITION ON THE REVISION OF THE GENEVA CONVENTIONS?

WHAT PROGRESS CAN WE EXPECT IN THIS AREA?

WHAT SPECIFIC PROVISIONS OF THE GENEVA CONVENTIONS DOES DR. KISSINGER BELIEVE NEED REVISION?

WHAT ARE HIS RECOMMENDATIONS IN THIS AREA?

ANSWER. THE ADMINISTRATION SUPPORTS THE EFFORTS UNDER WAY TO STRENGTHEN AND DEVELOP INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS. THE UNITED STATES HAS AND WILL CONTINUE TO PARTICIPATE ACTIVELY IN THIS WORK.

THE SWISS GOVERNMENT HAS CONVENED A DIPLOMATIC CONFERENCE ON THIS SUBJECT, SCHEDULED FOR GENEVA, FEBRUARY 20 TO MARCH 29, 1974. A SECOND SESSION OF THE CONFERENCE A YEAR LATER WILL PROBABLY BE REQUIRED TO COMPLETE THE WORK. THE CONFERENCE WILL CONSIDER TWO DRAFT PROTOCOLS TO THE 1949 GENEVA CONVENTIONS WHICH HAVE BEEN DEVELOPED BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS AS THE END PRODUCT OF A SERIES OF CONFERENCES OF GOVERNMENT EXPERTS HELD OVER THE LAST TWO YEARS. ONE OF THE DRAFT PROTOCOLS DEALS WITH INTERNATIONAL ARMED CONFLICTS AND THE OTHER WITH NON-INTERNATIONAL ARMED CONFLICTS.

THE UNITED STATES GOVERNMENT RECEIVED THE FINAL DRAFTS OF THE PROTOCOLS AT THE END OF AUGUST. WE HAVE JUST BEGUN OUR STUDY OF THE REVISED PROPOSALS, AND WE EXPECT THAT IT WILL REQUIRE CONSIDERABLE TIME TO DEVELOP POSITIONS FOR THE FEBRUARY DIPLOMATIC CONFERENCE.

WE CAN, HOWEVER, INDICATE AT THIS TIME GENERAL AREAS IN WHICH WE THINK PROGRESS WILL BE POSSIBLE.

OUR FIRST PRIORITY HAS BEEN TO DEVELOP PROVISIONS AIMED AT IMPROVING THE IMPLEMENTATION OF THE EXISTING LAW. IF CURRENT LAW IS NOT LIVED UP TO THERE IS LITTLE HOPE THAT NEW RULES WILL HAVE MUCH IMPACT. THUS, THE UNITED STATES

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HAS SUBMITTED PROPOSALS WHICH WOULD MAKE MORE LIKELY THE APPOINTMENT OF A PROTECTING POWER OR SUBSTITUTE ORGANIZATION TO HELP ENSURE COMPLIANCE WITH GENEVA CONVENTION PROVISIONS COVERING TREATMENT OF POW'S AND OTHERS, BECAUSE WE CONSIDER THAT OUTSIDE INSPECTION IS THE SUREST WAY TO IMPROVE IMPLEMENTATION OF THE LAW. WE WOULD LIKE TO ESTABLISH A REQUIREMENT THAT PARTIES TO AN INTERNATIONAL ARMED CONFLICT ACCEPT THE ICRC IF NO OTHER PRO-

TECTING POWER OR SUBSTITUTE WERE ACCEPTED.

A SECOND AREA WHERE WE CAN EXPECT ADVANCES IS THAT OF PROTECTIONS ACCORDED TO THE SICK, WOUNDED, AND SHIP-WRECKED. IN THIS AREA WE ALSO HOPE FOR MAJOR ADVANCES IN THE PROTECTION ACCORDED TO MEDICAL TRANSPORTS, PARTICULARLY MEDICAL AIRCRAFT, INCLUDING MEDEVAC HELICOPTERS.

ANOTHER AREA WHERE THERE IS CONSIDERABLE POTENTIAL FOR PROGRESS IS IN BROADENING SOMEWHAT THE CATEGORIES OF IRREGULAR COMBATANTS IN INTERNATIONAL ARMED CONFLICTS ENTITLED TO RECEIVE PRISONER-OF-WAR TREATMENT.

FINALLY, WE ARE HOPEFUL THAT A PROTOCOL DEALING WITH INTERNAL CONFLICTS CAN BE DEVELOPED THAT WILL BE A SIGNIFICANT ADVANCE OVER THE CURRENT BASIC PROTECTIONS ACCORDED TO VICTIMS OF ARMED CONFLICTS OF THIS NATURE BY ARTICLE 3 COMMON TO THE FOUR 1949 GENEVA CONVENTIONS.

FAR MORE DIFFICULT ARE SOME OF THE PROPOSALS RELATING TO THE MEANS AND METHODS OF WARFARE. I REFER IN PARTICULAR TO PROVISIONS RELATING TO AREA BOMBARDMENT, TO CERTAIN PROHIBITIONS ON ATTACKS, AND TO PROPOSALS WHICH ARE LIKELY TO BE ADVANCED BY VARIOUS COUNTRIES FOR THE LIMITATION OR RESTRICTION OF CERTAIN SPECIFIC CONVENTIONAL WEAPONS. WE FAVOR AND SHALL STRONGLY SUPPORT EFFORTS TO INCREASE PROTECTION OF CIVILIANS AND TO PROMOTE RESPECT FOR HUMAN RIGHTS DURING ARMED CONFLICTS. HOWEVER, WE FIRMLY BELIEVE THAT SUCH IMPROVEMENTS IN THE LAW MUST BE CAREFULLY CONSIDERED AND FRAMED SO THAT THEY WILL BE ACCEPTABLE TO STATES AND WORKABLE IN PRACTICE. IN THIS AREA OF INTERNAT
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